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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,153	02/13/2001	Takeshi Kokado	2001_0153A	9451
513	7590	05/04/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			SIDDIQI, MOHAMMAD A	
		ART UNIT	PAPER NUMBER	
		2154		

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/781,153	KOKADO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad A Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 February 2001.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 February 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 3. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

1. Claims 1-34 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al. (6,182,122) (hereinafter Berstis) in view of Schweitzer et al (6,418,467) (hereinafter Schweitzer).

4. As per claim 1, 18, and 34, Berstis discloses a data transmission system in which a server sends out (col 1, lines 7-13), onto any one of communications circuits (col 3, lines 55-67), content data designated by a content reservation request to a data circuit terminating equipment

connected to a data terminal equipment for storage (col 3, lines 1-12),  
wherein

    said Content reservation request additionally indicates a time limit (col 6, lines 66-67) by when the content data designated by said data terminal equipment is to be ready in said data circuit terminating equipment (col 6, lines 60-67),

    either said server or any one of said communications circuits comprises:

    a time limit management (col 6, lines 60-67 and col 7, lines 1-7) part for managing the time limit designated by the content reservation request from said data terminal equipment (col 6, lines 60-67 and col 7, lines 1-7); and

    a scheduling part for determining (col 6, lines 60-67 and col 7, lines 1-7), on the basis of both the time limit managed in said time limit management part and predetermined communications information (col 6, lines 60-67 and col 7, lines 1-7), a transmission timing which the content data completely transmitted by the time limit and an optimal communications circuit among from said communications circuits (col 6, lines 60-67 and col 7, lines 1-7), and

    said server comprises a data send out part for sending out the

content data onto the optimal communications circuit (col 7, lines 1-3, complete in time) according to the transmission timing determined by said scheduling part (col 6, lines 60-67 and col 7, lines 1-7).

Berstis is silent about the ensures the content data completely transmitted.

However, Schweitzer discloses ensures the content data completely transmitted (col 3, lines 43-49).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was to combine Berstis and Schweitzer because it would provide the system to store network usage information in the central database to create auditing, accounting, and billing reports.

5. As per claim 2, Berstis discloses wherein said predetermined communications information indicates (col 7, lines 17-27), at least, a size of the content data designated by said content reservation request (col 10, lines 10-17), or the number of data terminal equipment to which the content data is addressed (col 7, lines 8-52).

6. As per claim 3, Berstis discloses said data circuit terminating equipment works while receiving power from any one of said communications circuits (col 6, lines 39-47 and col 5, lines 17-30).

7. As per claim 4, Berstis discloses a content storage for storing the content data coming over said optimal communications circuit (col 7, lines 1-3, complete in time) into a recording area thereof (col 8, lines 12-49); and a data transmission part for reading (col 8, lines 23-24), from said content storage (col 8, lines 7-9), the content data designated by a read request from said data terminal equipment for transmission to the data terminal equipment (col 8, lines 12-49).

8. As per claim 5, Berstis discloses after reading the content data designated by said read request (col 8, lines 12-49), said data transmission part also reads content data not designated by the read request (col 8, lines 12-49), and transmits a set of the content data to the data terminal equipment (col 8, lines 52-65).

9. As per claim 6, Berstis discloses wherein said data circuit terminating equipment transmits, to said data terminal equipment, a storage completion notice indicating that the content data is successfully stored in said recording area (col 8, lines 13-65).

10. As per claim 7, Berstis discloses wherein said storage completion notice is in a format of HTML (Hyper Text Markup Language). (col 1, lines 37-55 and col 9, lines 34-50)

11. As per claim 8, Berstis discloses wherein said storage completion notice is an e-mail (col 4, line 2).

12. As per claim 9, Berstis discloses wherein said data circuit terminating equipment is capable of transmitting said storage completion notice in various formats (col 9, lines 34-50), and  
the storage completion notice is transmitted to said data terminal equipment in a format designated by a user thereof (col 1, lines 47-54 and col 4, lines 55-60).

13. As per claim 10, Berstis discloses wherein at least one of said communications circuits includes a recording area management unit for managing the recording area of said data circuit terminating equipment, and in response to a request from said server, said recording area management unit transmits a recording area reserve instruction to ask said data circuit terminating equipment to reserve a space in the recording area for the content data (col 8, lines 23-65).

14. As per claim 11, Berstis discloses when the content data requested by the data terminal equipment is popular, said data circuit terminating equipment inquires said server through cache processing whether the content data has been updated (col 12, lines 1-9),

if updated, said server responsively transmits the updated content data to said data circuit terminating equipment (col 12, lines 1-22), and said data circuit terminating equipment stores the updated content data received from said server into the content storage (col 8, lines 13-39).

15. As per claim 12, Berstis discloses in said cache processing, said data circuit terminating equipment inquires the server when a communications traffic on said optimal communications circuit is low (col 2, lines 24-27 and col 7, lines 1-3, complete in time).

16. As per claim 13, Berstis discloses the recording area of said content storage is divided into a plurality of smaller areas, and said data circuit terminating equipment assigns each different smaller area to store the content data acquired by said content reservation request and the content data acquired through said cache processing (col 10, lines 17-65).

17. As per claim 14, Berstis discloses said data circuit terminating equipment is plurally included, and any one of said data circuit terminating equipment acquires content data stored in a content storage of other data circuit terminating equipment (col 8, lines 1-11).

18. As per claim 15, Berstis is silent about the data circuit terminating equipment is implemented with a protocol to function as a mail server, and performs transmission and reception of an e-mail.

However Schweitzer discloses the data circuit terminating equipment is implemented with a protocol to function as a mail server, and performs transmission and reception of an e-mail (fig 6).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was to combine Berstis and Schweitzer because it would provide the system to store network usage information in the central database to create auditing, accounting, and billing reports.

19. As per claim 16, Berstis discloses said data circuit terminating equipment sends (col 4, lines 56-60) out said e-mail onto said optimal communications circuit when the communications traffic thereof is low (col 2, lines 24-27 and col 7, lines 1-3, complete in time).

20. As per claim 17, Berstis discloses wherein said e-mail is assigned a priority indicating an importance thereof, and

said data circuit terminating equipment changes a timing for sending out the e-mail onto said optimal communications circuit (col 7, lines 1-3, complete in time) according to the priority assigned thereto (col 7, lines 1-3, and col 4, lines 55-60, col 4, lines 1-3).

21. As per claim 19, Berstis discloses a data transmission system in which content data designated by a content reservation request from a server to a data terminal equipment through a communications circuit (col 3, lines 1-12 and col 6, lines 60-67), wherein

said content reservation request additionally indicates a download condition for downloading the content data designated by said data terminal equipment (col 7, lines 17-39);

said data transmission system comprises:

a data transmission part for transmitting the content reservation by said content reservation to the data terminal equipment (col 7, lines 9-53), by comprising said content reservation status data generation part and said data transmission part, said transmission system induces other data terminal equipment by showing the content data is available under the download condition (col 7, lines 9-53), and

said transmission system further comprises:

condition for the content data on the basis of the content reservation request which has been received (col 7, lines 17-39).

a DL condition management part of or managing the content data and the download condition (col 7, lines 17-39) designated by the content reservation request from said data terminal equipment (col 7, lines 17-39);

a scheduling part for determining, on the basis of the download condition managed in said DL condition management part (col 7, lines 17-39), a transmission timing which ensures the content data transmitted under the download condition (col 6, lines 60-67 and col 7, lines 1-7), and

a data send out part for sending out the content data onto said communications circuit according to the transmission timing determined by said scheduling part (col 6, lines 60-67 and col 7, lines 1-7).

Berstis is silent about the status data generated

a content reservation status data generation part for generating content reservation status data indicating the download condition for the content data on the basis of the content reservation request which has been received.

However, Schweitzer discloses status data generated based on the transmission request (col 9 lines 45-67).

a content reservation status data generation part for generating content reservation status data indicating the download (col 9 lines 45-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was to combine Berstis and Schweitzer because it would provide the system to store network usage information in the central database to create auditing, accounting, and billing reports.

22. As per claim 20, Berstis discloses download condition is a time limit by which the content data designated by said data terminal equipment is to be ready in said data circuit terminating equipment (col 6, lines 60-67 and col 7, lines 1-39).

23. As per claim 21, Berstis discloses comprising an acceptance processing part for accepting the content reservation request, and depending on how many other data terminal equipment are so far induced to receive the content data by the time limit, determines a transmission expense for the content data (col 6, lines 60-67 and col 7, lines 1-39).

24. As per claim 22, Berstis discloses when the content reservation request from said data terminal equipment carries a new time limit which is

not indicated by said content reservation status data, said acceptance processing part refers to a time margin left for the time limit to determine the transmission expense for the content data (col 6, lines 60-67 and col 7, lines 1-39).

25. As per claim 23, Berstis discloses said download condition is a transmission expense for the content data designated by the content reservation request from said data terminal equipment (col 6, lines 60-67 and col 7, lines 1-39),

    said transmission system further comprises an acceptance processing part for accepting the content reservation request from said data terminal equipment, and depending on how many other data terminal equipment are so far asking for the content data transmitted by the time limit (col 6, lines 60-67 and col 7, lines 1-39),

    Berstis is silent about determining the transmission expense for the content data, and

    when the transmission expense determined by said acceptance processing part becomes equal to or less than a predetermined value, said data send out part sends out the content data designated by said content reservation request onto said communications circuit.

However, Schweitzer discloses determining the transmission expense for the content data, and

when the transmission expense determined by said acceptance processing part becomes equal to or less than a predetermined value, said data send out part sends out the content data designated by said content reservation request onto said communications circuit (col 2, lines 23-54 and col 9, lines 47-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was to combine Berstis and Schweitzer because it would provide the system to store network usage information in the central database to create auditing, accounting, and billing reports.

26. As per claim 24, Berstis discloses wherein said download condition is the number of other data terminal equipment asking for the content data transmitted (col 7, lines 1-39),

said data transmission system further comprises an acceptance processing part for accepting the content reservation request from said data terminal equipment (col 6, lines 60-67 and col 7, lines 1-39), and depending on how many other data terminal equipment are so far asking for the content data transmitted (col 7, lines 1-39), and

when the number of content reservation requests accepted by said acceptance processing part becomes equal to or larger than a predetermined value, said data send out part sends out the content data designated by said content reservation request onto said communications circuit (col 6, lines 60-67 and col 7, lines 1-39).

Berstis is silent about determining a transmission expense for the content data.

However, Schweitzer discloses determines a transmission expense for the content data (col 2, lines 23-54 and col 9, lines 47-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was to combine Berstis and Schweitzer because it would provide the system to store network usage information in the central database to create auditing, accounting, and billing reports.

27. As per claim 25, claim 25 is similar in scope to claim 19 above and is rejected under the same rationale.

28. As per claim 26, claim 26 is similar in scope to claim 1 above and is rejected under the same rationale.

29. As per claim 27, Berstis discloses a content storage for storing the content data set received from said optimal communications circuit (col 7, lines 1-3, complete in time) therein; and a data transmission part for reading, from said content storage, only the content data satisfying the predetermined selection condition for transmission to said data terminal equipment in response to a read request therefrom (fig 1, element 128, col 8, lines 7-51).

30. As per claim 28, Berstis discloses wherein each of said content data included in said content data set is provided with attribute information indicating own attribute, said data circuit terminating equipment further comprises a selection condition list storage for storing a selection condition list including a selection condition on the basis of the attribute of the content data to be transmitted to said data terminal equipment (col 7, lines 1-67), and

said data transmission part reads, from said content storage, the content data according to the selection condition list stored in said selection condition list storage for transmission to said data terminal equipment (fig 1, element 128, col 8, lines 7-51).

31. As per claim 29, Berstis discloses selection condition list is generated based on a keyword inputted into said data terminal equipment by a user (col 7, lines 1-64).

32. As per claim 30, Berstis discloses said data circuit terminating equipment further comprises a data deletion part for deleting the content data set stored in said content storage with a predetermined timing (col 8, lines 5-7).

33. As per claim 31, Berstis discloses, when a recording capacity of said content storage becomes smaller in value than a predetermined reference recording capacity, said data deletion part deletes the content data set stored in the content storage (col 8, lines 1-12).

34. As per claim 32, Berstis discloses wherein said content data set is provided with deletion timing information indicating a timing when to be deleted, and said data deletion part performs deletion according to the deletion timing information provided to the content data set (col 8, lines 1-12 and col 7, lines 29-39, it is based on the registration request).

35. As per claim 33, Berstis discloses a content storage for storing, from the content data set received from said optimal communications circuit (col 7, lines 1-3, complete in time), only the content data satisfying the predetermined selection condition, and a data transmission part for reading the content data stored in said content storage for transmission to said data terminal equipment in response to a read request therefrom (col 7, lines 5-64).

***Conclusion***

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,611,812 to Hrtado et al.

U.S. Patent 6,581,105 to Miloslavsky et al.

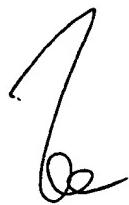
U.S. Patent 5,978,840 to Nguyen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS



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